

Liza M. Walsh
Katelyn O'Reilly
William T. Walsh, Jr.
WALSH PIZZI O'REILLY FALANGA LLP
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, N.J. 07102
(973) 757-1100

Attorneys for Plaintiffs
Catalyst Pharmaceuticals, Inc. and SERB S.A.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CATALYST PHARMACEUTICALS, INC.,
and SERB SA,

Plaintiffs,

v.

JACOBUS PHARMACEUTICALS, INC.,

Defendant.

CATALYST PHARMACEUTICALS, INC.,
and SERB SA,

Plaintiffs,

v.

PANTHERX SPECIALTY LLC, and
PANTHER SPECIALTY HOLDING, CO.,

Defendants.

Civil Action No. 3:20-cv-14590
(MAS-DEA)

Return Date: December 6, 2021

Oral Argument Requested

Electronically Filed

Civil Action No. 3:20-cv-17040
(MAS-DEA)

**NOTICE OF MOTION TO DISMISS
DEFENDANTS' INEQUITABLE CONDUCT COUNTERCLAIMS AND TO STRIKE
DEFENDANTS' INEQUITABLE CONDUCT DEFENSES**

PLEASE TAKE NOTICE that on December 6, 2021, or as soon thereafter as counsel may be heard, Plaintiffs Catalyst Pharmaceuticals, Inc. and SERB S.A. (collectively, "Plaintiffs"), by and through their attorneys, will move before the Honorable Michael A. Shipp, U.S.D.J., at the United States District Court for the District of New Jersey, Clarkson S. Fisher Building and United States Courthouse, 402 East State Street, Trenton, New Jersey, for the entry of an Order pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice Defendants' Inequitable Conduct Counterclaims, and pursuant to Federal Rule of Civil Procedure 12(f), striking Defendants' Inequitable Conduct Defenses.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs will rely upon the Brief and the Declaration of Liza Walsh with attached exhibits. A proposed Order is also included for the Court's consideration.

PLEASE TAKE FURTHER NOTICE that Plaintiffs request oral argument.

Dated: October 29, 2021

WALSH PIZZI O'REILLY FALANGA LLP

s/Liza M. Walsh

Liza M. Walsh
Katelyn O'Reilly
William T. Walsh, Jr.
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, N.J. 07102
(973) 757-1100

Of Counsel:

Dennies Varughese, Pharm.D.
Paul A. Ainsworth (*pro hac vice*)
Gaby Longsworth, Ph.D. (*pro hac vice*)
Adam LaRock (*pro hac vice*)
William H. Milliken (*pro hac vice*)
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue NW, Suite 600
Washington, DC 20005
(202) 371-2600

*Attorneys for Plaintiffs
Catalyst Pharmaceuticals, Inc. and SERB S.A.*